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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,725	10/09/2003	Jeffrey A. Roberts	RobertsBoomStand	1628
27119	7590	01/09/2006	EXAMINER	
ALBERT W. WATKINS 30844 NE 1ST AVENUE ST. JOSEPH, MN 56374			CHAN, KO HUNG	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 01/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/683,725	<b>Applicant(s)</b> ROBERTS ET AL.	
	<b>Examiner</b> Korie H. Chan	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-16, 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, lines 9-12 are generally vague and indefinite for the reason that it is not clear what element is "...operative when said clamping arrangement is in a first position to permit relative motion between said boom and said riser stand", or which of the elements is "...operative when said clamping arrangement is in a second position to prevent relative motion between said boom and said riser"

Regarding claim 9, on line 7, applicant inferentially claims that there are bounding openings between the adjacent ones of the plurality of arms and anchors. For example, a two arm base with a vertical foot (equivalently named as the anchors) at its distal end does not have bounded openings nor a space by which one of the anchors is sized to fit therein as recited in claim 9, third line before last.

Regarding claim 14, applicant inferentially claims there are two bases in lines 1-2 which makes the claim vague and indefinite as to whether one or two bases are being claimed. If applicant is trying to define the operative nature of the base as discussed in applicant's remarks, examiner suggest language that "said boom stand base is adapted to be placed adjacent another boom stand base...".

### ***Claim Rejections - 35 USC § 102***

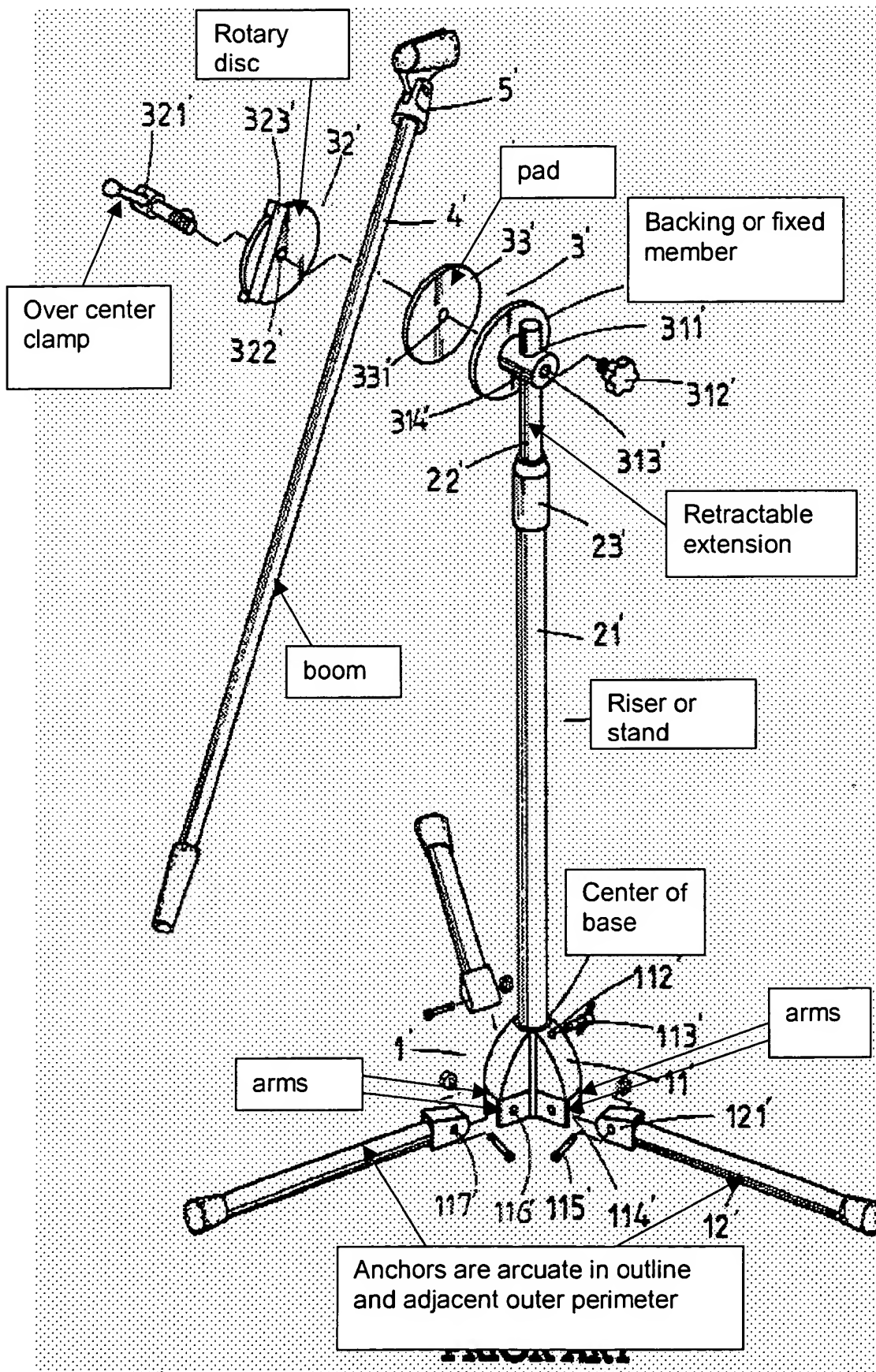
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

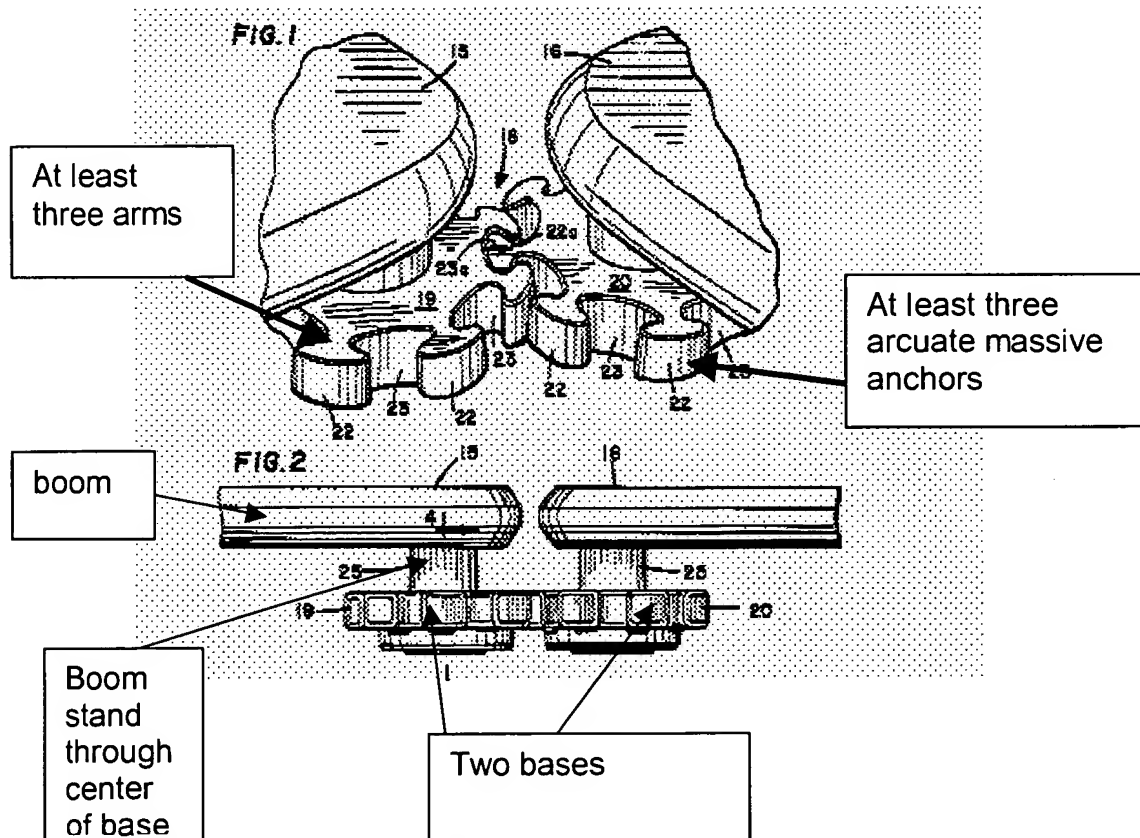
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by disclosed by Kuo (US patent no. 6,007,032). Kuo (see figures 8-10) discloses a boom stand base (11') having a center (111') and an outer perimeter (see illustration below) spaced from the base center and a boom stand (2') having a boom (4') for supporting an object at a location offset from the base center in a direction perpendicular to gravity and offset from the base center in a direction parallel to gravity, wherein the improvement comprises: a plurality of massive anchors (12') extending generally about and spaced from the base center by arms (see illustration below) extending therefrom, adjacent ones of the arms and adjacent ones of the plurality of massive anchors primarily bounding openings therebetween, at least one of the massive anchors (12') sized to fit within a space defined by least one of the bounded openings and further defined by a planar surface beneath and supporting the plurality of massive anchors. Further, regarding claims 13, Kuo (figures 8-10) discloses the anchor (12', figure 8) is sized to be capable of fitting within the space between the anchors and has a maximum dimension (length of 12') larger than a distance between the adjacent anchors.

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Claims 9-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Barrett et al (US patent no. 6,182,580). Barrett discloses all the claimed features of applicant's invention as illustrated below.



The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-7, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo (US patent no. 6,007,032) in view of Roberts (5,946,874). The Kuo (see figures 8-10) disclosed all the claimed features of applicant's invention as shown and discussed above. However, Kuo does not disclose the pad (33', figure 8) as being elastomeric. To provide an elastomeric member between to clamping portion for securing grip is old and well-known in the clamping art. Roberts teaches use of elastomeric pad (36) between clamping members (18 and 20) to enhance gripping action when the clamping screw is tightened (col. 3, lines 50-54). It would have been obvious to one of ordinary skill in the art to have made the pad of Kuo from elastomer material to enhance gripping action when the clamping screw is tightened as taught to be desirable by Roberts.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (figures 8-10) disclosed by Kuo (US patent no. 6,007,032) in view of Roberts (5,946,874) and further in view of Huang (US patent no. 5,501,419). The prior art in Kuo and Roberts combined disclosed all the claimed features of applicant's invention as shown and discussed above except for the base as having arcuately and discontinuously extending anchors about a circular circumference concentric to the center point. Kuo discloses that the Prior Art of figures 8-10 as being unstable due to

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the boom. Huang teaches a stable base comprising three arms (12) and having arcuately and discontinuously extending anchors (13) about a circular circumference concentric to the center point (11) of the base at a distal end of each arm. It would have been obvious to one of ordinary skill in the art to have substituted the base of the prior art in Kuo and Roberts combined with Huang's base for stability.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (figures 8-10) disclosed by Kuo (US patent no. 6,007,032) in view of Roberts (5,946,874) as applied to claims 1-3 above, and further in view of Nakatani (US patent no. 4,596,484). The prior art in Kuo and Roberts combined disclosed all the claimed features of applicant's invention as shown and discussed above. Furthermore, Prior Art in Kuo discloses an extension lock (23', figure 8) with constant longitudinal cross-section with interior surface and exterior surface. However, Kuo and Roberts combined does not show the extension lock with means to apply compressive force on the inner surface of the lock. Extension lock of the type having compressive inner surface for locking two telescoping tubular supports are well-known in the art. Nakatani teaches such extension lock (6) of the type having compressive inner surface for locking two telescoping tubular supports. It would have been obvious to one of ordinary to have modify the extension lock of Kuo and Roberts combined by substituting an extension lock of the compressive type as demonstrated by Nakatani. Such modification would have involved a mere substitution of one well-known extension lock with another which is thought to be well within the ambit of one of ordinary skill in the art.

***Allowable Subject Matter***



Claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 17 and 18 are allowed.

### ***Response to Arguments***

Applicant's arguments filed 10/7/2005 have been fully considered but they are not persuasive. Regarding claims 9-16, applicant presents Webster's definition of "massive" in support of the recitation "massive anchors" where the definitions are large mass, big and solid. It is examiner's view that massive, large, big are relative terms. And that the anchors of Kuo and Barrett discussed above can be considered massive.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
January 4, 2006